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Docket No. 741118-53

REMARKS

By this Amendment claims 18-20 & 22 have been amended. In view of these actions and the following remarks, reconsideration of this application is now requested.

Claims 22-31 were rejected under 35 USC § 112 as containing language that lacked antecedent basis in the specification. Claim 22 has been amended above to change the error noted by the Examiner in claim 22, i.e., to indicate that pole face faces towards the "rotor" instead of the "stator." As a result, this rejection should now be withdrawn.

Claims 18 and 22 were rejected under 35 USC § 102 based on the disclosure of the French Patent to Gignon (particular reference being made to the Fig. 9 embodiment), while claims 19-21 were rejected under 35 USC § 103 based on the Gignon when viewed in combination with the patent to Huff and claims 23, 25-27, 29, & 30 based on the combination of Gignon with the Anderson et al. patent. These rejections are considered to be inappropriate for the following reasons.

Firstly, since aspects of claim 19 have been incorporated into claim 18, for which the Examiner placed reliance upon the combination of Gignon with the patent to Huff, it should be apparent to the Examiner that the § 102 rejection is now longer applicable and must be withdrawn. Furthermore, it is submitted that even the combination of Gignon and Huff would not lead one of ordinary skill in the art to the invention recited in amended claim 18 (or original claim 19). That is, the Examiner has relied upon the Huff patent as a suggestion to provided the rocker arm shaped braking element in a radially continuous, window-shaped free space "within the stator" that the Examiner recognized to be lacking in the disclosure of Gignon. However, Huff teaches the use of reciprocating plungers 19, 20, not rocker arm members, as braking members, and while a radially continuous passage for a reciprocating plunger is logical, the provision of such for a rocker arm with an asymmetric pivot axis is anything but. This is especially the case when it is recognized that the brake element 20 of Gignon is a block shaped member fixed in a recess of an arm of the U-shaped stator itself. That is, since Gignon pivotally mounts and spring loads an arm of his stator, why would one form his brake element 20 as a rocker arm disposed within a radially window of the stator arm when nothing but extra costs would be gained by such a modification.

Additionally, if Huff has any applicability to Gignon at all, it would be to the prior art configuration of Gignon's Fig. 1. Even then, the teaching of Huff would be to utilize

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reciprocating plungers in the fixed arms as an alternative to Gignon's bifurcating of the U-shaped stator into fixed and pivoting arms.

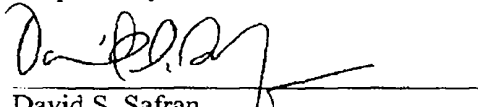
It is also pointed out that the arrangement of the present invention is advantageous over that disclosed by Gignon in that the pivoting arm of his stator is supported at only one end, i.e., at the end of fixed portion of the stator. On the hand, the present invention provides two support surfaces (24, 25) for the pivotable brake element (23).

As for the Anderson et al. patent, the Examiner relies on this patent solely because of the mistaken view that Bignon's pivoting element is not disclosed as being part of the stator when it is one arm of a U-shaped stator. Furthermore, while the Anderson et al. patent discloses a pivotable break arm, at that point any similarity to the present invention ceases, and no interpretation of this reference in combination with Bignon or with Bignon and Huff could lead one of ordinary skill to the present invention.

Therefore, for all of the above reasons, all of the outstanding rejection should now be withdrawn, and action to that effect is respectfully requested.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted


David S. Safran
Registration No. 27,997

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington D.C. 2004

Telephone: (703) 827-8094

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